

FILED

JAN 10 2023

SK

Honorable Judge Manish S. Shah

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

I just received the Notification of Docket Entry on Jan. 4, 2023. As you can see from the Copy of the front of the envelope the post Mark date was Dec. 29, 2022, so I was unable to reply before the date that was set. I would like for the Court to take my letter for consideration as a section 2255 petition. I would like the court to know that there was no error in calculating the advisory guidelines. I was first given A plea Agreement for 57-63 month's which I refused to sign & I was prepared to go to trial as was mentioned in the Emails. The Government & my Attorney knew I wasn't going to sign unless it was for the 30-37 month's. The day I email my Attorney & tell him let's prepare for trial he comes with the plea I been asking for. He claims it's an mistake but he knew that those records were not mine month's before that day. He claimed that the government had to look over the record & plea & their bosses had to approve it. The Government is not just going to go off my Lawyers word & believe him when he said my "2002" state case was only a possission they would want the prove which was the transcript's & they had to see that it wasn't me due to the Case number that didn't match & the fact that he caught 2 felonies 2yrs after my Birth. I Know the guidelines were



advisory; the court could have given me any time that Judge Shah felt was appropriate. but I feel the Government should have been held to their agreement that they wrote; came up with. I feel based upon everything that was said to me in the court on my sentencing date, also the fact that the Probation officer was recommending 37 months prior to government's objection to the signed plea, I would have had a chance at a lesser sentence.

Sincerely,  
Marshall  
Joyne  
#45598424

Also A notice to the court,

I don't know what is going on down here, but they treat our legal mail from the court's like any other piece of mail the copy of the envelope that I sent with this letter is the only copy of the envelope & letter from the court. The original I have no idea where it is & they open our legal mail & send it to us in regular mail call. If I take long to respond to future notices it's only because I have to wait for legal mail to be copied & sent with regular mail.

Thank You  
in advance  
Marshall  
Vj



OFFICE OF  
CLERK OF THE U.S. DISTRICT COURT  
PRISONER CORRESPONDENCE  
UNITED STATES COURT HOUSE  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

179

S-SUBURBAN IL 604

29 DEC 2022 PM 2 L12/29/2022

US POSTAGE \$000.57

ZIP 60604  
041111127098

Marshall Payne  
#45598-424  
FCI Oxford  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 1000 OXFORD, WI 53952

59952-100000





UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.6.3  
Eastern Division

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:20-cr-00024  
Honorable Manish S. Shah

Defendant.

---

**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, December 6, 2022:

MINUTE entry before the Honorable Manish S. Shah: Defendant Marshall Payne sent a letter to the court, date-stamped by the Metropolitan Correctional Center Chicago on 11/9/22 and received by the court on 11/16/22. In the letter, defendant expresses his disagreement with the Sentencing Guidelines calculation, suggests the government breached the plea agreement, and complains about his appointed attorney's representation. See [103]. As defendant acknowledges, the deadline to file a notice of appeal has passed. It may be that defendant wants to file a petition under 28 U.S.C. s. 2255. Defendant should understand that he has one year from the date his conviction became final to file a Section 2255 petition, and ordinarily has only one opportunity to file a petition. Defendant should also understand that the sentencing guideline calculation in his plea agreement was a non-binding prediction. The government was not obligated by the plea agreement to recommend a specific guideline range. Finally, defendant should also be aware that an error in calculating the advisory guidelines usually does not amount to an error that can be reviewed under Section 2255. Ineffective assistance of counsel can be a claim raised in a Section 2255 petition. If defendant would like his letter to be considered a Section 2255 petition, he must file a letter or notice with the court confirming his decision. Otherwise, no action will be taken in response to the letter and it will not count against defendant as a Section 2255 petition. Defendant must let the court know by 1/3/23. The clerk shall mail a copy of this docket entry to defendant at Oxford FCI (his designated institution according to the Bureau of Prisons website). Notices mailed. (psm, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our

web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

MARSHALL PAYNE US 53952  
Federal Correctional Institution  
P.O. Box 1000  
Oxford, WI 53952

MILWAUKEE WI 530

6 JAN 2023 PM 3 L



2023 JAN 10 PM 8:33

LEGAL  
Mail

HONORABLE Judge Manish S Shah  
United States District Court  
219 S. Dearborn Street  
Chicago IL 60604

01/10/2023-21



60604-180099



Date 1-6-23

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has justification, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosed to:

FEDERAL CORRECTIONAL INSTITUTION  
OXFORD, WISCONSIN 53952